

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**BOOK PEOPLE, INC., VBK d/b/a BLUE §
WILLOW BOOKSHOP, AMERICAN §
BOOKSELLERS ASSOCIATION, §
ASSOCIATION OF AMERICAN §
PUBLISHERS, INC., AUTHORS §
GUILD, INC., COMIC BOOK LEGAL §
DEFENSE FUND,**

Plaintiffs,

v.

**MARTHA WONG in her official capacity
as chair of the Texas State Library and
Archives Commission, KEVEN ELLIS in
his official capacity as chair of the Texas
Board of Education, MIKE MORATH in
his official capacity as Commissioner of
Education,**

Defendants.

CASE NO.

DECLARATION OF VALERIE KOEHLER

Pursuant to 28 U.S.C. § 1746, Valerie Koehler declares:

1. My name is Valerie Koehler. I am over twenty-one (21) years of age and am fully

competent to testify about the matters contained herein. The following statements are made within my personal knowledge and are true and correct.

2. I am the owner of VBK, Inc. d/b/a Blue Willow Bookshop, an independent bookstore in Houston, Texas (“Blue Willow”). I have been the owner of Blue Willow since 1996.

3. Blue Willow sells books and other library materials for school use in response to RFPs and RFQs from schools, to librarians and teachers who are reimbursed, and as a result of arranging for author visits at schools.

4. In addition to school visits, Blue Willow Bookshop arranges three large festivals for young readers every year, each with a goal of promoting literacy and fostering lifelong readers: TeenCon, Tweens Read, and Bookworm. During those festivals, schools and teachers purchase books for students and classrooms.

5. Blue Willow is an authorized vendor to many school districts and has sold books to at least 22 Texas school districts in the last 15 years.

6. Although Blue Willow intends to comply with House Bill 900 (the “Book Ban”) to the best of its ability, I do not know how we will be able to do so.

7. Blue Willow has no complete record of books and library materials sold for school use since 1996. Blue Willow has not attempted to keep complete records of every sale, and Blue Willow has migrated its records among various record-keeping systems, which has resulted in the loss of some records.

8. As a result, Blue Willow is not able to comply with the Book Ban, which requires Blue Willow to identify and rate every book it has ever sold to a public school district—even books it may no longer sell or that are out of circulation.

9. Blue Willow also has no way of knowing which books are in “active use.” Blue Willow does not ask its customers how its books will be used, and Blue Willow does not have any information as to where books it has sold are housed within a school district or school—whether they are used in conjunction with a school’s curriculum, used in the classroom, used in a library, given or loaned to students, or whether these books are still within the district’s possession.

10. Even if Blue Willow had these records, it would be impossible for Blue Willow to devote the financial resources necessary to comply with the Book Ban’s rating requirements.

11. Blue Willow estimates it has sold between 20,000 and 50,000 different titles to Texas schools or school districts in its 26 years of business.

12. Many of the books that Blue Willow has previously sold would no longer be in our current inventory. The Book Ban requires us to review and rate these books—which are not in our possession—regardless of whether we plan to sell them in the future. These are books that Blue Willow was well within its rights to sell at the time. The Book Ban now forces us to—decades after the fact—obtain and review these books.

13. Based on the Book Ban’s highly fact-specific criteria, Blue Willow does not believe that its staff would be capable of producing accurate ratings and believes such a review would require employing legal professionals.

14. To read and rate a book according to the Book Ban’s multi-layered criteria, Blue Willow estimates that it would cost between \$200 and \$1,000 per book.

15. Blue Willow estimates the total cost to read and rate books already sold would be between \$4 million and \$500 million dollars. This estimate does not account for the cost of reviewing future book sales or the cost of obtaining previously sold books.

16. Blue Willow does not have the financial resources to comply with the Book Ban. Blue Willow’s annual sales are just over \$1 million per year.

17. Blue Willow does not want to be compelled by the State to issue ratings for books based on criteria with which it does not agree. Blue Willow sells a wide variety of books, including books that I would not personally be interested in reading. However, we do not judge our customer’s choices. We would not want our customers to think the ratings reflect our views of these books.

18. The standards for rating books that are contained in the Book Ban are confusing and vague. I have discussed this issue with my staff, and we do not know how we could rate books based on the Book Ban's criteria, since the criteria are inherently subjective, and what might be offensive to one person would not be to another. For instance, is a book that contains kissing acceptable under the Ban? Is kissing between the same sex acceptable? This is just one small example of the confusion our staff would face.

19. Blue Willow is also confused as to which books are exempt from ratings as part of the required curriculum. Blue Willow does not know, and has no realistic way of ascertaining, the curriculum for each school, grade level and classroom in each of the Texas districts to which we sell books.

20. If Blue Willow does rate these books, our ratings can still be overridden by the State and then publicly posted as if they represent our own speech. Blue Willow would not want customers to believe these ratings reflect our views of these books. But if Blue Willow resists adopting the State's ratings, then the State will prevent us from selling *any* books to public schools, and we will be identified on the State's public blacklist, which would cause both financial and reputational damage to our company.

21. I am also concerned that the public posting of any ratings by Blue Willow would lead to stigma and reputational harm for our company. If Blue Willow does participate in this system of compelled speech, we stand to lose customers who disagree with the Book Ban.

22. Blue Willow also does not wish to participate in a forced recall of books based on ratings with which we do not agree. I am concerned that the issuance of recall requests from Blue Willow to school districts would be interpreted as our own speech, when, in fact, it is being compelled by the State.

23. Approximately 20 percent of Blue Willow's sales are directly to schools or are related to school author visits and our three festivals. Blue Willow would lose the vast majority of this revenue if schools were no longer able to purchase from Blue Willow.

24. Blue Willow has already lost sales as a result of the Book Ban. Blue Willow has sold over \$200,000 in books to Katy Independent School District in the past 5-7 years, but Katy ISD has now paused its purchasing in response to the uncertainty surrounding the Book Ban.

25. Blue Willow anticipates that it will continue to lose sales at a rapid rate because of the Book Ban.

26. Blue Willow does not have clarity as to whether it can continue selling books to Texas public school districts between the law's effective date (September 1, 2023) and the date that its ratings are due to be submitted (April 1, 2024).

27. Blue Willow intends to continue selling books and other library materials to Texas school districts for use in school libraries in the future.

28. I hereby declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed this 21st day of July, 2023.

/s/ Valerie Koehler
Valerie Koehler